

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application of:

Yukitaka SHIMIZU et al.

Application No.: 10/565,853

Confirmation No.: 8106

Filed: January 26, 2006

Art Unit: 3685

For: ACCOUNTING SYSTEM CONTENT
REPRODUCTION DEVICE, LICENSE
SALES DEVICE, PROGRAM AND
RECORDING MEDIUM

Examiner: K. Muhammad

PETITION UNDER 37 C.F.R. § 1.181

MS PETIONS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Applicants hereby petition to invoke the supervisory authority of the Director in the above-identified application to have the Petition under § 1.181 filed January 28, 2011, properly decided on the record.

STATEMENT OF THE FACTS

On January 28, 2011, a Petition was filed under § 1.181 to obtain relief from the improper examination practices employed by the Examiner that were extensively listed in the Petition. This Petition requested withdrawal of the latest improper outstanding Action and transfer of the Application to a new examiner along with the exercise of supervisory authority over the SPE of AU 3685, Calvin Hewitt II. As the exercise of supervisory authority over SPE Hewitt was being requested, it was noted that his initials on the improper Decision on Petition dated September 9, 2010, seemed to indicate his involvement that would not be proper as to deciding the Petition of January 28, 2011.

As no decision on the Petition was timely received, a telephone call was placed to SPE Hewitt seeking the status of the January 28, 2011, Petition. The SPE indicated that the Petition was, in effect, being denied as being improperly titled as it did not state it was a Petition to Review a Decision by a Technology Center Director. However, this oral denial has never been made official by providing a formal written Decision to this effect.

REQUEST FOR RELIEF

In view of the above statement of facts and the lack of any formal Decision denying the Petition filed January 28, 2011, it is requested that the Technology Center Director be instructed to properly provide applicants a proper formal written Decision on the Petition filed January 28, 2011, so that the appeal can proceed without remand for a formal decision on the outstanding Petition.

CONCLUSION

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

Dated: July 27, 2011

Respectfully submitted,

By 

Michael R. Cammarata

Registration No.: 39491

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road, Suite 100 East 

P.O. Box 747

Falls Church, VA 22040-0747

703-205-8000